

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	James Gharib	Art Unit:	3736
Serial No.:	10/809,280	Examiner:	Jonathan M. Foreman
Filing Date:	March 25, 2004		
Title:	System and Methods for Performing Surgical Procedures and Assessments		

Certificate of Transmission: I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on September 15, 2008.

Signature:

Rory Schermerhorn

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the above referenced application, the Applicants hereby request that the inventorship be corrected according to 37 CFR 1.48(a). The Applicants would like the inventorship to be corrected such that Eric Finely, Jamil Elbanna, and Scot Martinelli are removed as inventors. In support of this request, please find enclosed:

- a) A statement under 37 CFR 1.48(a)(2) executed by the removed inventor, Eric Finely, that the error in inventorship occurred without deceptive intent;
- b) A statement under 37 CFR 1.48(a)(2) executed by the removed inventor, Jamil Elbanna, that the error in inventorship occurred without deceptive intent;
- c) A statement under 37 CFR 1.48(a)(2) executed by the removed inventor, Scot Martinelli, that the error in inventorship occurred without deceptive intent;

- d) A new declaration signed by the actual inventors as required under 37 CFR 1.63 and permitted by 37 CFR 1.42;
- e) The processing fee set forth in 37 CFR 1.17(i); and
- f) A statement establishing the written consent of the Assignee, NuVasive, Inc, with an accompanying statement under 37 CFR 3.73 set forth on form PTO/SB/96.

Furthermore, Applicant hereby authorizes a payment of the \$130.00 fee for request to correct inventorship to be charged to Deposit Account No.: 50-2040 for Customer No.: 30,328. No other fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged or payments to be credited, the applicants hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
NUVASIVE, INC.

By: 

Rory Schermerhorn, Esq.
Registration No. 58,148

7475 Lusk Boulevard
San Diego, CA 92121
Tel.: (858) 909-1845

September 15, 2008

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Signature:

Rory Schermerhorn

STATEMENT UNDER 37 CFR 1.48(a)(2)

I, Eric Finley, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

Signature:

Eric F

9/13/08

Date _____

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Filing Date: March 25, 2004
Title: System and Methods for Performing Surgical Procedures and Assessments

Certificate of Transmission: I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on 8/25/08.

Signature: _____

Rory Schermerhorn

STATEMENT UNDER 37 CFR 1.48(a)(2)

I, Jamil Elbanna, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

Signature: _____

Jamil Elbanna

Date

8/25/08

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Filing Date:	March 25, 2004		
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Certificate of Transmission: I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office via EFS-Web on SEPTEMBER 05, 2008.

Signature: _____

Rory Schermerhorn

STATEMENT UNDER 37 CFR 1.48(a)(2)

I, Scot Martinelli, as part of a Request to Correct Inventorship of the above-captioned U.S. Patent Application under 37 CFR 1.48(a), hereby state that the erroneous inclusion of my name as part of the inventive entity occurred without any deceptive intention.

Signature:

Scot Martinelli

Date _____